

**REMARKS**

Claims 1-4, 7, 7, 9-15, 17, and 20 are currently pending. The instant Amendment actually amends claim 1 to include the subject matter of claim 19. The arguments below are the same as submitted with the Amendment filed December 11, 2008.

**I. The Art Rejections**

Claims 1, 3, 6-7, 10-13, 15 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al, Aida et al and VanderPloeg et al.

Claims 2 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al, Aida et al, VanderPloeg et al and Sakamoto et al.

Claims 4 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al, Aida et al, VanderPloeg et al and Kuwabara et al.

Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al, Aida et al, VanderPloeg et al and Kaneko et al.

Claim 19 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al, Aida et al, VanderPloeg et al and Van De Witte et al.

As noted above, claim 1 has been amended to include the subject matter of prior pending claim 19. The Examiner stated that claim 19 is obvious under 35 U.S.C. 103(a) in view of the combination of Kim, Aida, VanderPloeg and Van De Witte.

Specifically, the Examiner alleged that:

With respect to claim 19, the combination of Kim et al./VanderPloeg et al./Aida et al. discloses the limitations as shown in the rejection of claim 1 above. The combination of Kim et al./ VanderPloeg et al./Aida et al. does not disclose the birefringent A-layer has a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ . However, Van De Witte et al., in at least column 4, lines 30-35, discloses the birefringent A-layer has a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ . Because the combination of Kim et al./VanderPloeg et al./Aida et al. and Van De Witte et al. (US 6,437,843) teaches the birefringent optical film, it would have been obvious to one skilled in the art to substitute one birefringent layer for the other to achieve the predictable result of producing a birefringent optical film.

Final Office Action, paragraph 31.

Applicants respectfully submit that, even if Van De Witte discloses a birefringent A-layer having a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ , pending claim 1 after the instant amendment is not obvious from the aforementioned cited references and the combination thereof for at least the following reasons.

None of the references describe or suggest the combination of the layer having a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$  (birefringent A-layer) and the layer having a property satisfying  $n_{x_b} > n_{y_b} > n_{z_b}$  (birefringent B-layer). More specifically, none of Kim, VanderPloeg, or Aida describes or suggests the layer having a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ , (birefringent A-layer) as well as the combination of the layer having a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ ,

(birefringent A-layer) and the layer having a property satisfying  $n_{xb} > n_{yb} > n_{zb}$  (birefringent B-layer). Further, Van De Witte neither describes nor suggests the layer having a property satisfying  $n_{xb} > n_{yb} > n_{zb}$  (birefringent B-layer) as well as the combination of the layer having a property satisfying  $n_{ya} > n_{za} > n_{xa}$  (birefringent A-layer) and the layer having a property satisfying  $n_{xb} > n_{yb} > n_{zb}$  (birefringent B-layer). Moreover, Van De Witte appears to be related to TN (twisted nematic) liquid crystal displays (e.g. Background of the Invention, Claim 1, etc.). Therefore, Applicants submit that it is not appropriate to apply the birefringent A layer ( $n_{ya} > n_{za} > n_{xa}$ ) of Van De Witte to the VA mode displays of Kim, and that there is no reason or motivation to combine Van De Witte and Kim/VanderPloeg/Aida. Accordingly, the combination of the layer having a property satisfying  $n_{ya} > n_{za} > n_{xa}$  (birefringent A-layer) and the layer having a property satisfying  $n_{xb} > n_{yb} > n_{zb}$ , (birefringent B-layer) is not obvious from any cited references and combination thereof.

Further, by the combination of the layer having a property satisfying  $n_{ya} > n_{za} > n_{xa}$  (birefringent A-layer) and the layer having a property satisfying  $n_{xb} > n_{yb} > n_{zb}$  (birefringent B-layer), (i) excellent contrast, (ii) improvement of view angle property (wide viewing angle), and (iii) excellent prevention of coloring are simultaneously achieved particularly in the VA mode liquid crystal display. Such an excellent effect that the aforementioned three effects can simultaneously be achieved in viewing-angle compensation of the VA mode liquid crystal display is neither described nor suggested in any references and is unexpected from the prior art. Thus, it is further apparent that the present invention is not obvious from the cited references and the combination thereof.

According to the instant amendment, the present invention comprises distinguishing constituent feature of combining the layer having a property satisfying  $n_{y_a} > n_{z_a} > n_{x_a}$ , (birefringent A-layer) and the layer having a property satisfying  $n_{x_b} > n_{y_b} > n_{z_b}$  (birefringent B-layer), which is neither described nor suggested in any cited references. Due to this distinguishing constituent feature, particularly in the VA mode liquid crystal display, the present invention unexpectedly simultaneously achieves three effects, i.e., (i) excellent contrast, (ii) improvement of view angle property (wide viewing angle), and (iii) excellent prevention of coloring, which are neither described nor suggested in any cited references. Therefore, the present invention is not obvious from the cited references and should not be rejected under 35 U.S.C. 103(a).

The other secondary references, Sakamoto et al., Kuwabara et al. and Kaneko et al. do not overcome the deficiencies in the primary references discussed above.

As discussed described above, the present invention is not obvious from any references cited in the Office Action or the combination thereof. Therefore, it is respectfully submitted that the present invention is allowable and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## **II. Conclusion**

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

/LEE C. WRIGHT/

Lee C. Wright  
Attorney for Applicants  
Registration No. 41,441  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

LCW/af